

**FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
WEDNESDAY, MARCH 23, 2011**

COMMITTEE MEMBERS PRESENT:

Earl L. Flanagan, Mount Vernon District
James R. Hart, At-Large
Kenneth A. Lawrence, Providence District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

COMMITTEE MEMBERS ABSENT:

John L. Litzenberger, Jr., Sully District
Janet R. Hall, Mason District

OTHER COMMISSIONERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District

FAIRFAX COUNTY STAFF PRESENT:

Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), Department of
Planning and Zoning (DPZ)
Anita Capps, Senior Planner, PD, DPZ
Fred Selden, Acting Director, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Jeanette Nord, Deputy Clerk, Planning Commission Office

OTHERS PRESENT:

Frank Stearns, Esquire, Donohue & Stearns

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Chairman Peter F. Murphy, Jr. called the meeting to order at 7:07 p.m., in the Board Conference Room of the Government Center, 12000 Government Center Parkway, Fairfax, VA 22035.

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Fred Selden, Acting Director, Department of Planning and Zoning (DPZ), announced that David Marshall, who had recently retired from the Planning Division (PD), DPZ, had accepted a position at a private company. He said that there would be a get-together in his honor on April 1, 2011 at Ozzie's at Fairfax Corner after work and that everyone was welcome to attend.

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Chairman Murphy announced that the Telecommunications Committee would meet again on Thursday, April 28, 2011, at 7:00 p.m., in the Board Conference Room. (NOTE: The Committee rescheduled this meeting for Thursday, May 5, 2011.)

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RESPONSE TO THE BOARD OF SUPERVISORS' MEMORANDUM ON THE PROPOSED MOTION REGARDING HEALTH ISSUES

Chairman Murphy started the discussion with the March 23, 2011 email response to the Board of Supervisors' memorandum, providing a proposed motion to the Planning Commission on health issues related to telecommunications facilities, a copy of which is in the date file. Commissioner de la Fe suggested that the words "who also consulted with their Board members" be removed from the second line in paragraph 1, noting that the Supervisors' approval was implied in the motion.

Commissioner Lawrence MOVED THAT THE AMENDED MOTION BE PRESENTED TO THE PLANNING COMMISSION FOR RECOMMENDATION TO THE BOARD OF SUPERVISORS.

Commissioner Migliaccio seconded the motion which carried unanimously.

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Chairman Murphy said he had received several requests from telecommunications representatives to meet with the Planning Commission to discuss advances in technology. He added that the proposed Planning Commission Seminar would be ideal for such discussion and suggested that telecommunications be the subject for the Seminar.

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REVIEW OF COMMITTEE EDITS TO POLICY PLAN LANGUAGE FOR MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES, OBJECTIVE 42

Since the meeting on March 3, 2011, Committee members had submitted suggestions for changes to the Policy Plan. The changes were then incorporated into a color-coded strawman draft that was used as the guide for this evening's discussion. (A copy of the strawman draft is in the date file.)

Commissioner de la Fe began the discussion with Objective 42 and questioned if Commissioner Lawrence's suggested words "or containers" were necessary. Discussion ensued with Commissioners Lawrence and Flanagan, and Frank Stearns, Esquire, Stearns and Donahue, whereupon it was decided to change the wording to "or equipment boxes." The paragraph would now read as follows:

"Objective 42: In order to provide for the mobile and land-based telecommunication network for wireless telecommunication systems licensed by the Federal Communications Commission, and to achieve opportunities for the collocation of related facilities and the reduction or elimination of their visual impact, locate any antennas, support structures and equipment buildings or equipment boxes in accordance with the following policies."

Chairman Murphy commended Barbara Lipa, Executive Director, Planning Commission Office, on the paragraph in the introduction which addressed the Telecommunications Act of 1996.

Commissioner Flanagan suggested that the penultimate sentence in the third paragraph, as shown below, be removed in its entirety:

"Measurements taken by the FCC have shown that exposure levels in the vicinity of telecommunications facilities are typically thousands of times below established safety limits and do not constitute a hazard to nearby residents."

In addition, Commissioner Lawrence, noted that the last sentence would need to be corrected to coincide with the removal of that sentence and should read as follows:

"The 1996 Telecommunications Act, implemented by the Federal Communications Commission (FCC), governs the powers of state and local governments with respect to the placement, construction, and modification of facilities used to provide cellular, broadband, and other personal wireless services. State and local governments may not regulate these facilities based on the potential health or environmental effects of radio frequency (RF) emissions, to the extent that the facilities comply with established FCC regulations. For information, contact the FCC at: <http://transition.fcc.gov/oet/rfsafety/>."

Chairman Murphy reiterated the earlier suggestions regarding Objective 42 to change the wording from "or containers" to "or equipment boxes."

The Committee discussed Policies a. through j. as follows:

Policy a. – A comma would be placed after the word "towers" to read as follows:

"Policy a. Avoid the construction of new structures by locating proposed telecommunication facilities on available building parapets or rooftops, telecommunication and broadcast

support structures, electrical utility poles and towers, on lamp support poles, and water storage facilities when the telecommunication facilities can be placed inconspicuously to blend with such existing structures. (See Figures 8, 9, 10.)”

Policy b. – No change recommended.

Policy c. – The words “stealth or” would be removed, to read as follows:

“Policy c. When new structures are required to serve residential neighborhoods, minimize visual impacts on the surrounding area by utilizing camouflage structure design and/or micro-cell or similar miniaturization technologies.”

Policy d. – A period would be placed after the word “use,” and the words “see policies e and f below” would become an independent sentence, to read as follows:

“Policy d. When multiple sites provide a similar or equal opportunity to minimize impacts, consider public lands as the preferred location for telecommunication facilities provided such public lands are available for the proposed use. See policies e and f below.”

Policy e. – No change recommended.

Policy f. – The Committee held a lengthy discussion regarding telecommunications facilities on public property. It was determined that it would be necessary to expand the current language to address multiple service providers or structures located on public property.

Policy g. – No change recommended.

Commissioner Flanagan noted that there was no definition for a telecommunications facility in the Comprehensive Plan. Mr. Selden explained that a definition could go forward to the Planning Commission as part of the Plan Amendment.

Policy h. – No change recommended.

Responding to questions from Committee members, Commissioner Lawrence explained that while the language in this Policy would address service area coverage and capacity, it would also address the visual impact on the citizens.

Policy i. – No change recommended.

Policy j. – Commissioner Lawrence noted that as demand for coverage and capacity grew, so did the need for telecommunications providers to demonstrate careful and thoughtful consideration in site selection to explain why a final site had the least impact on the surrounding neighborhood.

Further discussion ensued regarding the availability of alternate sites and the additional requirements of providers and County staff to analyze the information.

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The meeting was adjourned at 7:58 p.m.
Peter F. Murphy, Jr., Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved: June 16, 2011

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission